



State of Delaware
Public Service Commission
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MEMORANDUM

TO: The Chairman and Members of the Commission

FROM: Renay L. Edge, Public Utilities Analyst

DATE: December 5, 2019

SUBJECT: IN THE MATTER OF THE APPLICATION OF ARTESIAN WASTEWATER MANAGEMENT, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WASTEWATER SERVICES PURSUANT TO 26 DEL. C. § 203D (“ANGELS32.01 & COASTAL441.00”)
(FILED NOVEMBER 8, 2019) - PSC DOCKET NO. 19-0734

On November 8, 2019, Artesian Wastewater Management, Inc. (“AMWT” or the “Company”) filed an application (“Application”) with the Delaware Public Service Commission (“Commission”) pursuant to 26 *Del. C.* § 203D(d)(2) seeking a Certificate of Public Convenience and Necessity (“CPCN”) to provide wastewater services to fourteen parcels of land in Sussex County, Delaware, identified as Tax Map Parcel Nos. 135-11.00-32.01, 235-22.00-38.04, 235-22.00-38.00, 235-22.00-38.01, 235-22.00-39.00, 235-16.00-50.02, 235-16.00-50.03, 235-22.00-52.00, 235-22.00-441.00, 235-22.00-440.00, 235-22.00-442.00, 235-22.00-39.01, 235-16.00-75.00 and 235-16.00-77.00 (the “Proposed Service Area”).

As required under 26 *Del. C.* § 203D and the Commission’s *Regulations Governing Certificates of Public Convenience and Necessity to Provide Wastewater Services*, 26 *Del. Admin. C.* § 6001 (the “Regulations”), AWMI included the following documentation in its Application: (1) copies of petitions requesting wastewater services signed by all landowners of record of each parcel or property encompassed within the Proposed Service Area; (2) copies of the United States Postal Service forms verifying that the Company sent, via certified mail, a Commission-approved notice to all landowners of record of each parcel included in the Proposed Service Area; (3) a list of the County tax map parcel identification numbers of the properties and identification of all landowners of record included in the Proposed Service Area; (4) a copy of the associated map clearly marking the Proposed Service Area; and (5) a copy of the letter from Sussex County stating

no objection to the Application.¹ Staff found no errors or omissions during its review of the Application.

As required by the Regulations, AWMI provided copies of the Application to the Division of Water Resources of the Department of Natural Resources and Environmental Control (“DNREC”), the Delaware Office of State Planning Coordination (“OSP”), and the Sussex County Engineering Department (the “County”). In addition, Staff requested written comments from DNREC, OSP and the County regarding the Proposed Service Area.

DNREC did not provide a response.

OSP responded that it has no outstanding issues with AWMI regarding its service. OSP noted that the Proposed Service Area is located within an Investment Level 4, which indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4 areas.

The County received and reviewed the Application and provided a letter of no objection regarding AWMI’s providing wastewater services to the Proposed Service Area. The letter states that the Proposed Service Area is in a Tier 3 Coordinated CPCN area, which requires coordination between the County and the private wastewater utilities.

In conclusion, AWMI’s Application complies with statutory and regulatory requirements of 26 *Del. C.* § 203D and 26 *Del. Admin. C.* § 6001. Therefore, consistent with statutory requirements, Staff recommends the Commission approve the Application.

¹As required by the Regulations, an applicant that proposes to extend services into the service territory of a municipality, government agency, or wastewater authority must provide written documentation that such entity has been informed of and has approved the applicant’s proposed expansion. *See* 26 *Del. Admin. C.* § 6001-3.4.



